

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA                    )  
  )  
v.    )           CR. NO. 3:06cr31-W  
  )  
MICHAEL SMITH                                )

UNITED STATES OF AMERICA'S MOTION  
FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case and states as follows:

That on June 22, 2006, this Court entered a Preliminary Order of Forfeiture ordering defendant Michael Smith to forfeit:

One Tanfoglio, F.I.L.I., S.N.C., Model TA76,  
.22 caliber revolver, serial number D10327.

That notice of this forfeiture and of the intent of the United States to dispose of the firearm in accordance with the law as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm was published in the Montgomery Independent newspaper on August 17, 24 and 31, 2006; and,

That no petitions of interest were filed within that thirty-day period. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture as proposed in the attached Order.

Respectfully submitted this 3<sup>rd</sup> day of October, 2006.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2006, I electronically filed the foregoing Motion for Final Order of Forfeiture and Proposed Final Order of Forfeiture with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Richard Waldrop** and **Verne H. Speirs**.

/s/John T. Harmon

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